



MINUTES OF THE REGULAR MEETING  
OF THE  
BOARD OF COMMISSIONERS  
FOR THE  
COUNTY OF LEE, STATE OF NORTH CAROLINA

NOVEMBER 13, 2006

---

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 9:00 a.m. in the Commissioners Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were W. Chad Adams, Robert H. Brown, Herbert A. Hincks, Jerry M. Lemmond, Nathan E. Paschal, Robert T. Reives, and Amy L. Stevens.

Chairman Hincks presided and the following business was transacted:

Rev. Ray Bodin from Hillview Christian Assembly delivered the invocation.

Chairman Hincks led the pledge of allegiance.

The following new employees were introduced to the Board:

- Ms. Patricia Taylor from Social Services, and
- Ms. Susan Gomez from the Health Department

Mr. Joe Cherry, Chairman of the Employee Selection Committee introduced Mr. Kyle Edwards, IT Systems/Network Administrator as the *November 2006 Employee of the Month*. Chairman Hincks presented Mr. Edwards with his awards which include a day off with pay, a *Star Award*, a framed certificate, a pizza, compliments of Papa John's Pizza, Coca Cola products from Sanford Coca Cola Bottling Company, and a movie rental from The Movie Gallery.

No additional items were added to the agenda. Commissioner Brown moved to approve the agenda as presented. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Adams moved to approve the Consent Agenda as presented, which consisted of the following items:

- Minutes from the October 30, 2006 regular meeting
- Minutes from the October 30, 2006 closed session meeting
- Request from the Sheriff's Department to receive a \$2,875 grant from the Bulletproof Vest Partnership Program
- Proclamation for National Farm-City Week for November 17-23, 2006 (copy attached)
- Tax Releases and Refunds for October 2006 (copy attached)
- Approval to pay one-half the cost for new pet beds for the Lee County Animal Control Shelter (\$755.70)

Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Mr. Bill Stone, 4-H Agent from the Cooperative Extension Office introduced Mr. Dalton Coffey and Ms. Taylor Craig, 4-H youth representatives. Mr. Dalton read the *Proclamation for Farm-City Week* and Ms. Taylor explained Farm-City Week and extended an invitation to the Commissioners to join in the Farm City Week activities and the annual Banquet that will be held Monday, November 20, 2006, at the Cooperative Extension Office.

Ms. Holly Ann Rogers, 504 Summitt Drive, Sanford, spoke during the *Public Comments* section of the meeting. Ms. Rogers represented Central Carolina Community College and spoke in support of the Central Carolina Dental Clinic expanding services to Moore and Harnett Counties. Ms. Rogers also thanked Commissioners for their support of the dental program that will be offered through Central Carolina Community College.

At this time the Board conducted a public hearing to hear comments relating to the proposed Schedule, Standards and Rules for the 2007 Revaluation Project. County Manager David Smitherman reminded Board members of the work session to be held at noon, immediately following the regular meeting, in the Gordon Wicker Conference Room. *A Notice of Public*

*Hearing* was published in The Sanford Herald on November 1, 2006, announcing the public hearing.

Chairman Hincks opened the public hearing.

No one present spoke in favor of or in opposition to the Schedule, Standards and Rules for the 2007 Revaluation Project.

Chairman Hincks closed the public hearing.

County Attorney K. R. Hoyle discussed with the Board a public hearing that had been advertised for this date and time to hear comments concerning the execution and delivery of an installment-financing contract to finance all or a portion of the costs of the following projects:

1. Acquiring real property, constructing and equipping a new public school facility, renovating/improving existing public school facilities and related improvements;
2. Constructing, renovating, improving and equipping community college facilities and related improvements to be located at Central Carolina Community College, and
3. Acquiring real property, constructing and equipping new public improvement facilities, renovating/improving existing public improvement facilities and related improvements

Mr. Hoyle answered questions from the Board.

Chairman Hincks opened the public hearing that had been advertised in *The Sanford Herald* on October 18, 2006.

No one present spoke in favor of or in opposition to the 2006 Debt Financing Project.

Chairman Hincks closed the public hearing.

The Board considered alternate bids for the new middle school project. County Manager David Smitherman told the Board the Lee County Board of Education had furnished information on alternate bids for the middle school project that included site work and other improvements related to Tramway Road Park Phase II, and installation of a generator to be used at the school for emergency shelter needs. Mr. Smitherman asked the Commissioners to reject bids submitted for Tramway Road Park related items and accept bids related to installation of the emergency generator and generator pad at a cost of \$234,000. Taking into consideration the excessive amount of some alternates received for the Tramway Road Park project, it is recommended that all alternate bids be

rejected from the school system bid packets. Assistant County Manager Kenny Cole and Parks and Recreation Director John Payne will refine the Tramway Road Park Phase II project budget and provide a new estimate of anticipated cost at a later date. After some discussion, Commissioner Adams moved to approve Mr. Smitherman's recommendation to reject bids for Tramway Road Park related items. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Adams questioned why only one generator was being purchased instead of several that could be moved around the County and used at various locations if needed. County Manager David Smitherman stated the new middle school would be the County's main emergency shelter, with East Lee and West Lee Middle Schools used if necessary. The County currently has a smaller generator that will be mounted on a trailer and transported to various locations if necessary. Quick-connects will be installed at West Lee and East Lee Middle Schools so the smaller mobile generator may be used. The Board asked that staff checks into the installation of quick-connects for Southern Lee High School so the mobile generator could also be used at that location if needed. After further discussion, Commissioner Reives moved to accept bids related to the installation of an emergency generator and generator pad at a cost of \$234,000. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a *Resolution to Assign a Budget to the COPs Financial Capital Projects*. County Manager David Smitherman discussed with the Board a resolution setting a total budget for the projects approved in the FY 2007-2011 Capital Improvement Projects (CIP). Mr. Smitherman discussed the proposed budget that addressed the construction and equipping of a new public middle school, construction and equipping of a new multipurpose room and therapy pool for Floyd L. Knight School, construction and equipping of various recreational facilities for Tramway Road Park Phase II, renovations, repairs and equipping of various existing community college facilities, and installation of a new roof for the Dennis Wicker Civic Center. Total amount of the above-referenced projects total \$29,107,181. After some discussion, Commissioner Brown moved to approve a *Resolution to Assign a Budget to the 2006 COPs Financed Capital Projects*, a copy of which is attached to these

minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a *Resolution Approving Installment Contract Financing for Public School Projects, Public Improvement Projects and Community College Projects*. County Attorney K. R. Hoyle discussed the resolution to approve up to \$31,400,000 of financing for the 2006 CIP projects. Mr. Hoyle stated the resolution would adopt the following documents:

- Amendment Number One to the Installment Financing Contract
- Supplemental Indenture, Number 1
- Preliminary Official Statement
- Certificate Purchase Agreement
- First Amendment to Lease Agreement; and
- Construction and Acquisition Agreement

Commissioner Adams introduced the *Resolution Approving Installment Contract Financing for Public School Projects, Public Improvement Projects and Community College Projects in an Aggregate Principal Amount up to \$31,400,000 and the Execution and Delivery by the Lee County Development Corporation of Certificates of Participation Related Thereto; Authorizing the Execution and Delivery of Related Documents in Connection Therewith; and Providing for Certain Other Related Matters*. Mr. Hoyle and Commissioner Adams read in full the above referenced resolution. Commissioner Adams moved to approve the resolution presented and Commissioner Brown seconded the motion. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a request from Habitat for Humanity to waive landfill fees. Mr. Tony Lett, President of the Sanford Area Habitat for Humanity appeared before the Board. Mr. Lett stated that a few years ago King Roofing donated a lot for the construction of a new home by Habitat for Humanity. The lot in question was previously used as a storage site for roofing tar, asphalt, slate and gravel. Over the course of time, and with shifting dirt, the homeowner has brought to their attention that these items are now exposed on the lot in various places. Habitat for Humanity has been in contact with Solid Waste Superintendent Joe Cherry, and State officials to determine the correct

procedure for cleaning the site. Several months of investigation and direction from the Department of Energy and Natural Environmental Resources (DENER) have been researched on how to appropriately dispose of the waste. Mr. Lett asked the Commissioners to waive the landfill fees to dispose of this particular residual waste at no cost to Habitat for Humanity. It is estimated between 30-60 cubic tons of dirt and roofing material will be disposed of in the County landfill. Mr. Cherry has estimated the cost to be between \$1,000-\$2,000. After some discussion, Commissioner Adams moved to approve the request from the Sanford Area Habitat for Humanity to waive landfill fees for the above-referenced project. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board heard a report from Mr. Donald Andrews, Jr., Chairman of the Lee County Fire Advisory Board. Mr. Andrews told the Board the Fire Advisory Board has been working closely with Lee County Fire Marshal Derrick Clouston and the Lee County Fire Chiefs Council over the past few months, discussing a single service district and a unified tax rate. In order to be objective, goals for fire service in Lee County was established. Mr. Andrews further stated that joint meetings with the Fire Advisory Board and the Fire Chiefs Council, along with the Fire Marshal, have been conducted. These joint meetings have allowed both groups to expand their knowledge and trust in the process. Mr. Andrews stated that during these joint meetings, the combined group was able to develop six goals and objectives. It is felt the following goals will improve fire services in Lee County:

1. Bring unrated properties within Lee County inside a rated fire district,
2. Fire Departments are encouraged to work towards lowering their ISO rating with a target of a district-wide 6 rating,
3. Strive to work together to maximize fire service in Lee County through training competencies, equipment, and staffing,
4. Create a five-year strategic and capital improvement plan to insure maximum resource utilization effective countywide,
5. Evaluate the current process of funding the Fire Marshal's Office and evaluate opportunities for other funding mechanisms, and
6. Conduct a review of current public safety communication issues, and develop steps to maximize countywide emergency communications.

Mr. Andrews discussed in detail Goals 5 and 6 stated above in reference to the current process of funding the Fire Marshal's Office, and the need for a review of

current public safety communication issues as it relates to the current 911 Communications Center. Mr. Andrews asked the Commissioners to consider funding the Fire Marshal's Office through the use of general funds as other departments are and not from the volunteer fire departments. After some discussion, Commissioner Adams moved to table this matter until the County Manager can submit, for consideration, a new funding source. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens

Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board continued discussion submitted from the Fire Advisory Board as it related to the 911 Communications Center. Mr. Andrews asked that a review of current public safety communication issues be addressed and steps be developed to maximize countywide emergency communications. Currently, the 911 Center is under the direction of the Sanford Police Department, and the Fire Advisory Board and Fire Chiefs, along with members of the fire service, feel there is no equity within the 911 Center. Mr. Andrews further stated the TriData report had been reviewed and excerpts from the report were submitted for review. The Fire Advisory Board recommends the 911 Communications Center becomes a stand-alone department comprised of a Civilian Director and a Communications Committee. Commissioner Reives expressed concern that Police Chief Ronnie Yarborough or other City staff had not been contacted concerning this matter. He further stated the City and County should work together on this project. Commissioner Paschal also asked the question as to the cost of operating a stand-alone department. After discussion, it was recommended that a study committee be formed to assess whether a countywide 911 Communications Center is the best way to improve communications among all the emergency agencies. A report will be presented to the Board at a later date.

The Board considered a proposed *Contractual Agreement between Lee County and Wyeth Vaccines for Fire Inspection Services*. Fire Marshal Derrick Clouston discussed with the Board the need for a full-time fire inspector at the Wyeth Vaccine facility. Mr. Clouston stated that he and County Manager David Smitherman recently attended a meeting with Wyeth representatives and discussed fire inspection services to their Sanford facility. A contractual relationship at an annual fee of \$75,485 was discussed. This fee would enable the County to add a Level III Fire Inspector (Deputy Fire Marshal) to its staff to perform as the primary responder to the Wyeth facility. Mr. Clouston asked Commissioners to authorize execution of an agreement between Lee County and Wyeth Vaccines, with the understanding the new position will not be filled unless an agreement is executed between the two parties. If approved, the Board was also asked to add the Deputy Fire Marshal position to the Lee County Pay Schedule at Grade 70 (\$41,598-\$58,238). After some discussion, Commissioner

Adams moved to approve a *Contract for Fire Inspection Services between Lee County and Wyeth Vaccines* and authorize the County Manager to negotiate the contract, a draft copy of which is attached to these minutes and by this reference made a part hereof. The motion also included the addition of the Deputy Fire Marshal position to the Lee County Pay Schedule at Grade 70. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Paschal, and Stevens  
Nay: Lemmond and Reives

The Chairman ruled the motion had been adopted by a five to two vote.

Commissioner Lemmond stated he was not against the ongoing projects at Wyeth but rather with creating a Deputy Fire Marshal position with the salary and grade proposed.

The Board considered a request from Health Director Mike Hanes to include Moore and Harnett Counties as part of the Central Carolina Dental Center. Mr. Hanes told the Board the Lee County Board of Health had recently endorsed the concept of asking Moore and Harnett Counties to be part of the Central Carolina Dental Center. He further stated the increased service area would enhance the ability to become financially self-sustaining in addition to offering services to individuals that live across the Lee County line and seek goods and services in Sanford. Chatham County is currently using the dental facility. Commissioner Reives moved to approve the above-referenced request to include Moore and Harnett Counties as part of the Central Carolina Dental Center. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives and Stevens  
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Reives left the meeting at this time.

The Board considered meeting dates for December 2006. Commissioner Lemmond moved to approve the required December 4<sup>th</sup> meeting where newly elected Commissioners will be sworn into office and let the new Board decide if additional meetings will be necessary in December. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, and Stevens  
Nay: None  
Absent: Reives

The Chairman ruled the motion had been adopted unanimously.



Finance Director Lisa Minter presented and answered questions concerning the *Monthly Financial Statement for October 2006*, a copy of which is attached to these minutes and by this reference made a part hereof. The Board took no action.

Health Director Mike Hanes responded to an Environmental Health update request from the October 30, 2006 meeting. Mr. Hanes told Board members that even though there is a shortage of Environmental Health Specialist in his department; work is on tract thanks to contracted employees that are making inspections after 5:00 p.m. Currently there are no pending food and lodging inspections and onsite evaluations for septic permits has been lower this year than in past years. Mr. Hanes further stated he would be hiring two interns, both beginning in November 2006 and hopefully a third one shortly thereafter. After required training, they should be fully trained and ready for a caseload around June 2007. The Board took no action.

Strategic Initiatives Director Lesa Price gave the Board an update on the BRAC Project and reminded everyone of the 7:00 p.m. informational meeting to be held at the Dennis Wicker Civic Center on this date.

Ms. Price also discussed the *KIDS Voting Program* that was held this year for the first time on Election Day. Ms. Price stated that 1,214 students participated in the event. Teachers were complimented on the excellent job they did to educate, inform, and assist kids who participated in the program.

At this time Commissioners said good-bys to Commissioners Adams and Hincks for their eight-years of service on the Board. Commissioners Adams and Hincks also thanked the Board for their support for the past eight-years. Newly elected officials will be sworn in on December 4, 2006 in Courtroom #4 at the old Lee County Courthouse at 9:00 a.m. A reception will be held immediately following the swearing-in ceremony to honor newly elected officials and outgoing and retiring staff.

Chairman Hincks recessed the meeting at 11:48 a.m. for the 12:00 noon work session scheduled in the Gordon Wicker Conference Room to discuss the 2007 Schedule of Values.

The meeting resumed at 12:00 noon in the Gordon Wicker Conference Room with all Commissioners present except Commissioner Reives. Chairman Hincks called the meeting back to order and Mr. Tim Cain from Assessment Solutions conducted the work session. Staff from the Tax Office and members of the Board of Equalization and Review participated in the work session. After Mr. Cain's presentation, discussion and comments were entertained.

With no further business to come before the Board, Commissioner Adams moved to adjourn the meeting. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal and Stevens  
Nay: None  
Absent: Reives

The Chairman ruled the motion had been adopted unanimously.

---

Herbert A. Hincks, Chairman

ATTEST:

---

Gaynell M. Lee, Clerk